



DIRECTORS
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President
JOHN H. WEED
Vice President
JAMES G. GUNTHER
JUDY C. HUANG
MARTIN L. KOLLER

43885 SOUTH GRIMMER BOULEVARD • P.O. BOX 5110, FREMONT, CALIFORNIA 94537-5110
(510) 668-4200 • FAX (510) 770-1793 • www.acwd.org

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July 13, 2007

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Mr. Dale Bowyer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Dear Mr. Bowyer:

Subject: Comments on the Administrative Draft Municipal Regional Permit

Alameda County Water District (ACWD) appreciates this opportunity to submit these comments on the Administrative Draft Municipal Regional Permit (MRP). The comments submitted below are the result of a collective review effort including myself, representing ACWD, Mr. David Omoto of Contra Costa Water District, and Mr. John Schroeter of East Bay Municipal Utility District.

Together we wish to thank the Regional Water Quality Control Board (RWQCB) for our past meetings to discuss our comments and concerns relative to this permitting effort. We are pleased that several of our comments were considered by the RWQCB during the development of the MRP. With only a few exceptions, we believe that the draft MRP presents a workable approach for our water utilities to manage, monitor and report non-stormwater related discharges. As a result, our comments are limited to an apparent typographical reference error, concerns regarding the potential application of numerical limits (i.e., "bench marks") to planned and unplanned drinking water discharges, and the consideration of an alternative approach toward sampling. These comments are discussed below:

On page 114, PROVISIONS – Sections C.15.b.vi.(2)(c)(v) and C.15.b.vi.(2)(d)(ii) there appears to be typographical reference errors. We believe the noted references in each section should be corrected respectively as follows (presented in strikethrough and bold underline format): Provision C.15.b.~~iv~~**vi**.(1)(c), and Provision C.15.b.~~iv~~**vi**.(1)(d).

The California water industry strongly feels that drinking water discharges should be regulated through requirements for appropriate Best Management Practices (BMPs), and not through numerical limits. Due to the nature of unplanned and planned drinking water discharges, 40 CFR Section 122.26 (d)(2)(iv)(B)(1) provides for the regulation of such discharges as categorically-exempted non-storm water discharges under Municipal Separate Storm Sewer System NPDES permits (MS4 Permits) that require BMPs to reduce pollutants to the Maximum Extent Practicable (MEP) as stipulated under 40 CFR Section 122.44(k). These activities include, but are not limited to, dewatering pipelines and reservoirs, flushing distribution system piping, and flushing fire hydrants.

In the most recent draft Total Residual Chlorine and Chlorine-Produced Oxidants (TRC/CPO) Policy (June 2006), the State Water Board states that it “has determined that, at the present time, it is infeasible to use numeric effluent limits for TRC and CPO...to regulate potable water discharges that occur in the field due to the activities of drinking water utilities or agencies.” This document further states that “Numerical limits are infeasible because these discharges occur at disperse locations in the field, there are no stationary treatment facilities at these locations, and field monitoring equipment does not currently achieve the necessary level of performance. The permitting authority must regulate the discharge of TRC and CPO in these discharges through requirements for appropriate best management practices”. We feel that this approach should similarly apply to pH and turbidity, as well as chlorine residual, and that the “bench marks” listed in the draft MRP should be used to evaluate the effectiveness of BMPs and not for enforcement purposes.

We feel that the RWQCB should consider an alternative approach toward field monitoring that consists of sampling planned discharges only and clarify that results will be used to evaluate BMP effectiveness (Reference: Sections C.15.b.vi.(1)(d)(ii) and C.15.b.vi.(2)(d)(ii)). The required sampling of receiving waters for unplanned, as well as planned discharges addressed in these sections may be very difficult to accomplish and may yield inaccurate results. In many locations of our service areas, specific receiving water discharge locations might be difficult to readily identify (or may even be non-existent), and properly managed discharges have the real potential to be negatively influenced by other sources prior to discharge into the receiving water.

For example, many discharges must travel through several miles of municipal storm drain pipeline before entering a receiving water. Receiving water discharge locations, especially in the case of an unplanned discharge (Section C.15.b.vi.(2)), may not be immediately known to responding water utility personnel. This creates the potential scenario where the discharge may be ceased before personnel could accurately identify the appropriate receiving water and conduct the required sampling. In addition, prior to entering the receiving water, a discharge traveling through extended courses of storm drain pipeline may likely be exposed to potential contamination from other sources (such as runoff from construction sites). Thus, samples collected from the receiving water, may be contaminated with other turbidity sources and/or pollutants.

Based on these considerations, we propose that only planned discharges be monitored to determine BMP effectiveness, so site-specific conditions can be better evaluated and a more effective sampling program can be designed and implemented. Since the draft MRP is intended

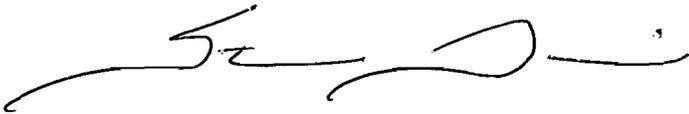
Mr. Dale Bowyer
July 13, 2007
Page 3

to apply throughout Region 2, an extensive database will soon be created and available to assess BMP effectiveness.

Ultimately, we strongly believe that the provisions concerning monitoring should allow the discharger the flexibility to create monitoring programs that generate scientifically valid results that allow receiving stream water quality and BMP effectiveness to be accurately evaluated.

Thank you again for this opportunity to submit these comments. Should you have any questions or comments, please contact me at (510) 668-6530.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Dennis', with a long horizontal flourish extending to the right.

Steve Dennis
Environmental Compliance Officer

SD:DAO:JS:dao